

103^D CONGRESS
1ST SESSION

H. R. 2521

To direct the President to implement and enforce certain economic sanctions against the Government of the Socialist Republic of Vietnam until such time as the United States Government has received from the Government of the Socialist Republic of Vietnam the fullest possible accounting of American POW/MIAs from the Vietnam conflict, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 1993

Mr. GILMAN introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Ways and Means, and Banking, Finance and Urban Affairs

A BILL

To direct the President to implement and enforce certain economic sanctions against the Government of the Socialist Republic of Vietnam until such time as the United States Government has received from the Government of the Socialist Republic of Vietnam the fullest possible accounting of American POW/MIAs from the Vietnam conflict, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “POW/MIA Full
5 Accounting Act of 1993”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Many recent news reports state that Presi-
4 dent Clinton's top national security advisors have
5 urged ending United States opposition to multilat-
6 eral lending to the Government of the Socialist Re-
7 public of Vietnam.

8 (2) In early July 1993, the International Mone-
9 tary Fund is scheduled to meet to discuss the possi-
10 bility of repayment of loans made to the Government
11 of the Socialist Republic of Vietnam.

12 (3) Despite the increased level of field activities
13 by personnel of the Joint Task Force-Full Account-
14 ing of the Department of Defense, particularly field
15 activities conducted in the Socialist Republic of Viet-
16 nam, the last 2 to 3 years have been the worst since
17 1981 in terms of results which account for American
18 POW/MIAs from the Vietnam conflict, with only 10
19 POW/MIAs having been accounted for in 1992 and
20 only 1 POW/MIA in 1993.

21 (4) There are still more than 200 American
22 POW/MIAs from the Vietnam conflict last known
23 alive in the Socialist Republic of Vietnam and Laos.

24 (5) 700 Americans were shot down or captured
25 over Laos during the Vietnam conflict but only 9 re-
26 turned to the United States, and United States offi-

1 cials have testified that more than 80 percent of the
2 members of the Armed Forces missing in Laos were
3 captured or missing in action in areas under North
4 Vietnamese control.

5 (6) The most recent documents and films
6 shown in the Socialist Republic of Vietnam to visit-
7 ing delegations show little new information on the
8 fate of American POW/MIAs.

9 (7) Although the most recent documents re-
10 garding American POW/MIAs found in the archives
11 of the former Soviet Union contain possible minor
12 inaccuracies, such documents point to a larger truth
13 that the Government of the former Soviet Union and
14 the Government of North Vietnam collaborated
15 throughout the Vietnam conflict in the exploitation
16 of American POW/MIAs, and the Government of
17 North Vietnam withheld and may continue to with-
18 hold American POW/MIAs, and the Government of
19 North Vietnam withheld and continues to withhold
20 information about such POW/MIAs and the remains
21 of American POW/MIAs who have died.

22 (8) A June 10, 1971, Central Intelligence
23 Agency intelligence information report describes a
24 debriefing center in Vinh Phu province of North
25 Vietnam where from 1965 through 1967 captured

1 American pilots were questioned by Soviet and Chi-
2 nese personnel.

3 (9) No American POW/MIAs who returned dur-
4 ing Operation Homecoming in 1973 reported having
5 been interrogated by Soviet or Chinese personnel de-
6 spite a significant volume of evidence that some had
7 been questioned by such personnel.

8 (10) Among documents given to United States
9 Ambassador Toon in Moscow in April 1993 was a
10 top secret report from the Soviet Embassy in Hanoi
11 dated March 14, 1967, that describes systematic in-
12 volvement of Soviet technical specialists visiting
13 downed American aircraft from the Vietnam conflict
14 and confiscating technical equipment for shipment to
15 the former Soviet Union.

16 (11) Such report also included a description of
17 competition between Soviet technical specialists and
18 Chinese technical teams, including incidents in which
19 Chinese technical teams would destroy American air-
20 planes before Soviet specialists could conduct their
21 investigations.

22 (12) In early 1993 the cockpit capsule of an
23 American F-111A aircraft downed in North Viet-
24 nam was found in a Moscow area museum and the

1 legible serial numbers on the airplane matched those
2 of missing American pilots.

3 (13) A series of previously secret Department
4 of State cables between January and July of 1967
5 describe a proposed prisoner exchange offered by
6 East Germany in which between 2 to 6 severely
7 wounded American pilots (including one amputee)
8 from the Vietnam conflict reportedly being held in
9 an East German hospital would be exchanged for a
10 Soviet husband and wife spy team being held in
11 Great Britain. These pilots were never exchanged
12 and no amputee American prisoners were ever re-
13 turned from the Vietnam conflict.

14 (14) One facilitator of that unsuccessful ex-
15 change, Doctor/Professor Wolfgang Vogel, had pre-
16 viously participated in a number of successful pris-
17 oner trades between the East Bloc and the West.

18 (15) A military document from North Vietnam
19 found in the archives of the former Soviet Union
20 purportedly quoting from a speech by North Viet-
21 namese General Tran Van Quang states that some
22 700 American prisoners of war were being held by
23 Hanoi in addition to those returned in Operation
24 Homecoming in 1973. Subsequently, General Quang
25 denied authoring the document and stated that he

1 was not Deputy Chief of Staff nor involved with
2 American prisoners of war. However, both South Vi-
3 etnamese and American intelligence documents from
4 that time period list Quang as Deputy Chief of Staff
5 of the North Vietnamese Army.

6 (16) In June 1993 General Quang admitted in
7 Hanoi that during the French/Indo-China War he
8 had French and other European prisoners on his
9 Enemy Proselytizing Department staff and he was
10 also in charge of French prisoners following that
11 war which caused long delays in accounting for
12 French POW/MIAs.

13 (17) General Quang also admitted that as Com-
14 mander of Military Region Four during the Vietnam
15 conflict he had control over the Ho Chi Minh trail
16 in Laos where hundreds of Americans were listed as
17 captured or missing and held prisoner but never re-
18 turned to the United States.

19 (18) A November 17, 1975, Central Intelligence
20 Agency document relating to exploitation of Amer-
21 ican prisoners of war states that French prisoners
22 captured during the 1945–54 period “are still being
23 held in North Vietnam” some 20 years after that
24 war had ended, and that there was some possibility

1 that American prisoners of war are still being held
2 in the Socialist Republic of Vietnam.

3 (19) An October 1979 Defense Intelligence
4 Agency report states that Le Dinh, a credible former
5 North Vietnamese intelligence officer who had been
6 involved with American prisoners during the Viet-
7 nam conflict, said that he heard “at staff meetings
8 that about 700 Americans still remained in Viet-
9 nam”, constituting a strategic asset that could be
10 used to force the United States to pay reparations
11 to North Vietnam.

12 (20) Among recently declassified United States
13 documents from the “Cold Spot” intelligence pro-
14 gram conducted in Laos and North Vietnam during
15 the Vietnam conflict are documents that discuss 112
16 American prisoners of war still in North Vietnam
17 after Operation Homecoming in March 1973.

18 (21) Between the spring of 1971 and the fall of
19 1972 a series of United States intelligence docu-
20 ments from North Vietnam, Burma, and Taiwan in-
21 dicate that a large number of American prisoners of
22 war were transferred from North Vietnam to the
23 Yunnan province in China under joint Vietnamese/
24 Chinese control.

1 (22) A September 1972 Department of the
2 Navy “Bright Light” intelligence report contained a
3 narrative from a high ranking North Vietnamese of-
4 ficial which stated that the Government of the Peo-
5 ple’s Republic of China had secretly agreed to keep
6 a number of American POW/MIAs for North Viet-
7 nam in China and that the Government of the Peo-
8 ple’s Republic of China would never release these
9 POW/MIAs to the United States without the ap-
10 proval of North Vietnam.

11 (23) A series of successive United States ad-
12 ministrations have consistently denied Russian, East
13 Bloc, or Chinese involvement with American POW/
14 MIAs in North Vietnam.

15 (24) More than 100 boxes of National Security
16 Agency documents relating to the Vietnam conflict
17 and its aftermath were not studied by the Senate
18 Select Committee on POW/MIA Affairs because of
19 time constraints, and thousands of more documents
20 are now being declassified by order of the President.

21 (25) Such documents may contain important
22 information regarding Russian, East Bloc, and Chi-
23 nese involvement with American POW/MIAs and the
24 transfer of American prisoners of war to Eastern

1 Europe, the former Soviet Union, and the People's
2 Republic of China.

3 (26) The American Legion "strongly believes
4 the final report (of the Senate Select Committee on
5 POW/MIA Affairs) is flawed and incomplete" and
6 "unfortunately, the Committee has produced a re-
7 port that may turn out to be improperly used to en-
8 courage further favorable U.S. Government actions
9 toward Vietnam without receiving any substantial
10 cooperation on the POW/MIA issue in return".

11 (27) The preceding paragraphs demonstrate
12 that the Governments of the Socialist Republic of
13 Vietnam, Laos, the People's Republic of China, and
14 Russia have not given United States investigators all
15 of the information that those Governments possess
16 relating to all American POW/MIAs from the Viet-
17 nam conflict.

18 **SEC. 3. DECLARATION OF POLICY WITH RESPECT TO AMER-**
19 **ICAN POW/MIAs FROM THE VIETNAM CON-**
20 **FLICT.**

21 The Congress declares that the issue of American
22 POW/MIAs from the Vietnam conflict will be resolved only
23 when the fullest possible accounting of all such POW/
24 MIAs, particularly those last known alive, is achieved and
25 all available information relating to such issue, including

1 documents, eyewitness accounts, film, and other commu-
2 nications, is obtained and thoroughly studied by impartial
3 United States investigators.

4 **SEC. 4. SENSE OF THE CONGRESS WITH RESPECT TO NOR-**
5 **MALIZATION OF RELATIONS WITH THE SO-**
6 **CIALIST REPUBLIC OF VIETNAM.**

7 It is the sense of the Congress that the President
8 should not normalize or otherwise upgrade diplomatic rela-
9 tions with the Government of the Socialist Republic of
10 Vietnam until such time as the President certifies to the
11 Congress that the United States Government has received
12 from the Government of the Socialist Republic of Vietnam
13 the fullest possible accounting of American POW/MIAs
14 from the Vietnam conflict.

15 **SEC. 5. CONTINUATION OF UNITED STATES TRADE EMBAR-**
16 **GO AGAINST THE SOCIALIST REPUBLIC OF**
17 **VIETNAM.**

18 The President shall not terminate, alter, or amend
19 the United States trade embargo in effect as of June 1,
20 1993, against the Socialist Republic of Vietnam until such
21 time as the President certifies to the Congress that the
22 United States Government has received from the Govern-
23 ment of the Socialist Republic of Vietnam the fullest pos-
24 sible accounting of American POW/MIAs from the Viet-
25 nam conflict.

1 **SEC. 6. DEFERRAL OF IMF RESOLUTION RELATING TO RE-**
2 **PAYMENT OF IMF LOANS BY THE SOCIALIST**
3 **REPUBLIC OF VIETNAM.**

4 The President shall instruct the United States Exec-
5 utive Director of the International Monetary Fund to use
6 the voice and vote of the United States to defer consider-
7 ation of any resolution by such Fund that allows the Gov-
8 ernment of the Socialist Republic of Vietnam to pay off
9 any or all loans that are in arrears to such Fund until
10 such time as the President certifies to the Congress that
11 the United States Government has received from the Gov-
12 ernment of the Socialist Republic of Vietnam the fullest
13 possible accounting of American POW/MIAs from the
14 Vietnam conflict.

15 **SEC. 7. DENIAL OF LOANS, GRANTS, AND CREDITS BY**
16 **INTERNATIONAL FINANCIAL INSTITUTIONS**
17 **TO THE SOCIALIST REPUBLIC OF VIETNAM.**

18 The President shall instruct the United States Exec-
19 utive Directors of the International Bank for Reconstruc-
20 tion and Development, the International Monetary Fund,
21 and other appropriate multilateral financial institutions to
22 use the voice and vote of the United States to deny any
23 new loans, grants, or credits to the Government of the So-
24 cialist Republic of Vietnam until such time as the Presi-
25 dent certifies to the Congress that the United States Gov-
26 ernment has received from the Government of the Socialist

1 Republic of Vietnam the fullest possible accounting of
2 American POW/MIAs from the Vietnam conflict.

3 **SEC. 8. DEFINITIONS.**

4 For purposes of this Act, the following definitions
5 apply:

6 (1) AMERICAN POW/MIAS.—The term “Amer-
7 ican POW/MIAs” means—

8 (A) members of the United States Armed
9 Forces who have been identified as prisoners of
10 war or missing in action; and

11 (B) civilian employees of the United States
12 who have been identified as captured or miss-
13 ing.

14 (2) FULLEST POSSIBLE ACCOUNTING OF AMER-
15 ICAN POW/MIAS FROM THE VIETNAM CONFLICT.—
16 The term “fullest possible accounting of American
17 POW/MIAs from the Vietnam conflict” means—

18 (A) the return of all American POW/MIAs
19 who are still alive;

20 (B) the identification and return of all re-
21 mains of American POW/MIAs who have died;
22 or

23 (C) convincing evidence as to why the re-
24 turn of all American POW/MIAs described in
25 subparagraph (A), the identification and return

- 1 of all remains described in subparagraph (B),
- 2 or both, is not possible.

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